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REMARKS

Claims 1 - 16 are pending in the present application. By this Amendment, claims 1 - 16 have been amended. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated September 3, 2003.

Specification:

The abstract stands objected to in the Action due to minor informalities. However, the abstract has been amended to correct such informalities. As such, withdrawal of this objection is respectfully requested.

35 U.S.C. §112, Second Paragraph Rejection

Claims 1 - 16 stand rejected under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

This rejection is respectfully traversed.

Each of claims 1 – 16 has been amended to overcome this rejection. Accordingly, withdrawal of this objection is respectfully requested.

U.S. Serial NO. 10/059,162
Attorney's Docket No. 020099
As to the Merits

As to the merits of this case, the Examiner sets forth the following rejections:

- 1) claims 1, 5, 9 and 13 stand rejected under 35 U.S.C. §102(b) as being anticipated by Kettler et al. (U.S. Patent No. 5,929,998);
- 2) claims 2, 6, 10 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kettler et al. in view of Campo et al. (U.S. Patent No. 5,559,173);
- 3) claims 3, 7, 11 and 15 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over Kettler et al., in view of Falcoff et al. (U.S. Patent No. 4,511,251); and
- 4) claims 4, 8, 12 and 16 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over Kettler et al. in view of Campo et al. and Falcoff et al. (U.S. Patent No. 4,511,251).

Each of these rejections is respectfully traversed.

Independent claims 1 and 5 have each been amended to call for adjusting a color of each one of two or more paints in the blending ratio for realizing a target color which is measured by the paint color measuring means when color matching a solid color paint without preparing painted panels.

For example, the present invention calls for computing the adjusted blending ratio easily and accurately, without preparing painted panels from adjusted paint.

In contrast, Kettler requires that a set of calibration panels be created. That is, Kettler is directed to the prior art subject matter discussed in the background of the instant invention since Kettler always creates a set of calibration panels.

Thus, it is respectfully submitted that Kettler fails to disclose or fairly suggest the features of claims 1 and 5, as amended, concerning adjusting a color of each one of two or more paints in the blending ratio for realizing a target color which is measured by the paint color measuring means when color matching a solid color paint without preparing painted panels.

In view of the aforementioned amendments and accompanying remarks, the claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Thomas E. Brown
Attorney for Applicants
Reg. No. 44,450

1250 Connecticut Ave. N.W.
Suite 700
Washington, D.C. 20036-2657
202-822-1100 (t)
202-822-1111 (f)

Attachment: Change of Correspondence Address
TEB/rer